

Private Sector Vocational Technical Stakeholder Group

Tumwater, WA
November 17, 2003

MINUTES

ATTENDEES

DEPARTMENT OF LABOR AND INDUSTRIES

Mary Kaempfe	Gary Walker
Nancy Peterson	Roy Plaeger-Brockway
Rich Wilson	Don Lane
Donna Spencer	

VOCATIONAL REHABILITATION PROVIDERS

Cathy Cottingham, People Systems, Inc.
Dan McKinney, Vista Consulting Services
Jenny Gaffney, Gaffney Counseling & Consulting
Scott Whitmer, Whitmer & Associates
Terry McCall, Northwest Human Resources
Julie Krause, Whittall
April Poier, Grant and Associates
Michael Barron, IAM Crest
Bob Crouch, CorVel Corporation
Jill Rosenthal, Rehab and Evaluation Services

AUDIENCE MEMBERS

Patti Kacz, Intracorp
Katie Bennett, Consulting Network
Rich Berndt, Industrial Rehab Consulting
Julie Grant, Grant and Associates

INTRODUCTIONS & REVIEW

Everyone was welcomed to the meeting, introductions made and agenda reviewed. The previous meeting minutes were reviewed. This is the last meeting for Nancy Peterson, who is retiring, and Gary Walker, who has accepted a promotion. Their service to the group was acknowledged.

SPECIAL BRIEFING – L&I Possible Legislation on Voc Services – Jody Moran

Jody Moran provided detail to the different concepts and/or possible changes to the way in which vocational rehabilitation services are delivered to injured workers. The information provided followed the outline in the 'Voc Schematic' handout contained in VTSG members' packets. The schematic has been included with the minutes as an attachment.

Update: The Department decided not to advance statutory changes in the Vocational Rehabilitation laws in the 2004 session. Since the November VTSG meeting, Governor Locke announced the formation of a work group to include equal representation from

business and organized labor. The Governor has indicated that a consensus between business and labor is needed to enact changes to improve Washington's workers' compensation (WC) insurance system. The work group has been asked to propose legislative reforms to be taken up during the 2005 legislative session.

DECEMBER 5 CONFERENCE – Rich Wilson

Rich reminded the participants that there will be a department sponsored vocational conference to be held at Tumwater L&I on December 5th. The free conference will include 7 continuing education credits for CRC and CDMS. Registration forms were distributed.

NEW PERFORMANCE REPORT – Gary Walker

Gary informed the group that the new Vocational Provider Performance Report was posted on the department's website in the late afternoon of November 14th and was loaded in LINIIS this morning. Additionally, he informed them that he and Donna, along with Dan Gullion (WCA3, Claims Unit E), have been briefing the claims units on the changes as well as on how to read the report, focusing on RTW/ATW versus ADM/MU.

RCRP SCREEN CHANGES – Gary Walker

The RCRP screen in LINIIS has been modified to include fields to show the costs for work evaluation, pre-job accommodations, and job modifications. These fields are not active at this time but will be populated effective Dec 15, 2003.

OUTCOME-BASED PAYMENT – Roy Plaeger-Brockway & Mary Kaempfe

Roy brought the issue to the group in the July VTSG meeting. He has researched existing models and consulted with subject matter experts. L&I executive management agreed to a recommendation to test a model to see if it could work in our system. Blake will lead the pilot. The early target for implementation of the pilot is June 2004 and a team will be assembled soon. A survey is already underway to obtain provider perspectives and gauge interest level. There will be additional ways to provide input, so anyone interested should let Blake know.

SUPERVISOR REQUIREMENTS RULES – Mary Kaempfe

L&I submitted a pre-proposal statement (CR-101) to amend WAC 296-19A-210(2). Concern about current language (direct experience) resulted in a mediation agreement between L&I and its employee union. The issue is whether or not L&I staff's work experience at the department qualifies as direct experience toward meeting the requirements for supervisor. A work team is drafting language for the proposal. The department is interested in feedback from the provider community. Postcards were recently sent to all providers describing how to submit feedback. L&I's website also has a feedback mechanism.

CONFLICT OF INTEREST RULES – Mary Kaempfe

Another pre-proposal, also discussed in July, was submitted regarding perceived conflict of interest. There was some concern that providers who complete an AWA referral have an incentive to recommend further services in order to receive subsequent referrals. After soliciting input from VTSG and L&I staff, Blake recommended, and

management agreed, not to proceed with this effort. The CR-101 was withdrawn 11/4/03.

EI FEE CAP PACKAGE – Donna Spencer

A Workers' Compensation Reform Team reviewed the Early Intervention (EI) Fee Cap and issued a recommendation to the Director to increase the EI fee cap for a Graduated Return to Work or a Work Hardening program. The package would add up to 20 hours of professional time for VRCs for a period of up to 12 weeks. The Director agreed with the recommendation as long as the goal for use of the package is return-to-work. After the programming needs are determined, an implementation date will be set.

PREFERRED WORKER PROGRAM – Donna Spencer

The vocational review for the Preferred Worker Program moved to claims administration on September 15, 2003. WAC 296-16-010 indicates the program is for workers who have sustained an industrial injury or occupational disease which:

- prevents the worker from returning to work with the former employer and
- substantially impairs the likelihood of re-employment

With the exception of a VDRO overturn of employability, there are no extensions or medical interrupts.

The WAC also indicates that a worker may be certified for a period not to exceed 36 months.

The program is not for use:

- with the employer of record or
- in claims where there are no work restrictions.

Employers must be offering jobs which match the worker's medical restrictions. The Preferred Worker website has been updated on the Internet and includes new forms.

NEW WEB LAYOUT COMING – Roy Plaeger-Brockway

Roy discussed the new web layout which will roll-out the first of the year. You may need to reset your bookmarks.

CALENDAR FOR 2004 MEETINGS –

A schedule of the 2004 VTSG meetings was handed out and also e-mailed to members the week of 1/12/04.

RESULTS OF VTSG AGENDA ITEM PRIORITIZATION – SCOTT WHITMER & JENNY GAFFNEY –

Scott and Jenny spoke to the group on the top ten agenda issues that the VTSG selected; they informed the VTSG that they, as a group, could bring in trainers, a panel of speakers or one speaker on each agenda item; Their task is now to find the speakers or trainers and they are searching. They asked the group for input on who might be good speakers. Roy agreed to provide an hour for a VTSG topic at the next meeting. Scott and Jenny asked if funds were available to fly and accommodate speakers from

out of state. Could an honorarium be paid? These issues would need to be further discussed.

BREAKOUT SESSIONS: ENHANCEMENTS TO AWA – Don Lane & Rich Wilson

The members were divided into three groups to discuss three questions: How to improve, within AWA – Labor market surveys, TSA, and Determining and documenting ability to benefit. Don will take this information back to the work group looking at ways to enhance the AWA process and results. Please see attached notes.

Update: The Department will not be advancing statutory changes in the Vocational Rehabilitation laws in the upcoming 2004 session.

Governor Locke has since announced the formation of a work group to include equal representation from business and organized labor. The Governor has indicated that a consensus between business and labor is needed to achieve changes to improve Washington's workers' compensation (WC) insurance system. The work group will review many significant issues facing the WC system including a review of L&I's rate setting and reserving policies. The work group has been asked to propose legislative reforms to be taken up during the 2005 legislative session.